

**WASHINGTON COUNTY COMMISSION**  
**MEETING MINUTES**  
**FEBRUARY 5, 2013**

The Regular Meeting of the Board of the Washington County Commission was called to order by Chairman James J. Eardley at 4:00 p.m. on February 5, 2013, in the Commission Chambers, Washington County Administration Building, St. George, Utah. Those in attendance were Chairman James J. Eardley, Commissioner Alan D. Gardner, Commissioner Dennis Drake, Washington County Administrator Dean J. Cox, Deputy County Attorney Eric Clarke, and Deputy County Clerk Christine S. Hall.

Commissioner Gardner led the Pledge of Allegiance.

**AGENDA**

**CONSENT AGENDA:**

The Consent Agenda is a means of expediting routine matters which come before the Commission for approval. The Consent Portion of the agenda is approved by one (1) non-debatable motion. If any Commissioner wishes to remove an item from the Consent Portion of the agenda, then that item becomes the first order of business on the Regular Agenda.

- Consideration of Auditor-Approved Claims for Payment for January 16, 2013 through February 5, 2013
- Consideration of Approval of Regular Commission Meeting Minutes of December 18, 2012, and January 2, 2013
- Consideration of Application(s) for Settlement or Deferral of Property Taxes  
David L. Greenwood, S/N W-CSP-2-88; Mary and Arthur Whitten, S/N SG-RHW-1-35
- Consideration of Administrative Adjustments: Real Property (attached)
- Consideration of Administrative Adjustments: Personal Property (attached)
- Consideration of Applications for Property Tax Abatement  
Long Sky Holdings, S/N SG-LOSG-10-1008, SG-LOSG-10-1002, SG-LOSG-10-1003, SG-LOSG-10-1004
- Consideration of Application for Business License/Beer License B: Brandin Iron Steakhouse, LLC
- Consideration of Approval of Washington County Habitat Conservation Plan 2013 Cooperative Agreement with the Utah Division of Wildlife Resources / Systematic Clearances; Scope of Work: Tortoise Monitoring; and Scope of Work: Willow Flycatcher

**Actions of the Washington County Planning Commission Meeting / 01-08-13**

No items were presented today.

Commissioner Gardner recused himself from consideration of the Consent Agenda, as a possible conflict of interest existed.

**MOTION: Motion by Commissioner Drake to Approve the Consent Agenda. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Drake voting aye.**

**REGULAR AGENDA ITEMS FOR CONSIDERATION:**

**VOLUNTEER OF THE MONTH / CAROL HOLLOWELL**

Carol Hollowell, Director of the Volunteer Center of Washington County, presented the Volunteer of the Month award to Richard Chamberlain for his service as a Senior Companion. Mr. Chamberlain consistently goes beyond the scope of his duties to assist his clients and enrich their lives.

**PURCHASE REQUESTS: MARK BLANCH**

- Dixie Center, air conditioning unit ..... \$16,337.00
- County Fair, down payment on contract for entertainment ..... 11,000.00
- Road Department, loader tires ..... 15,635.64
- Sheriff's Office, ammunition ..... 18,632.25
- Sheriff's Office, refund balance of DEA grant monies ..... 35,746.29

*All purchases are budgeted, bonded, or paid for through grant funds.*

**MOTION: Motion by Commissioner Gardner to Approve the Purchase Requests. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**CONSIDERATION OF RESOLUTION NO. R-2013-1701, A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, UTAH, CREATING AND ESTABLISHING A SPECIAL SERVICE DISTRICT WITHIN WASHINGTON COUNTY; DESCRIBING THE BOUNDARIES THEREOF, NAMING THE SAID DISTRICT, AUTHORIZING AND SPECIFYING THE SERVICES TO BE PROVIDED, SETTING FORTH THE POWERS, DUTIES, AND AUTHORITY, DESIGNATING THE GOVERNING AUTHORITY, PROVIDING FOR THE METHOD OR METHODS OF PAYMENT FOR THE SERVICES TO BE FURNISHED, AND PRESCRIBING OTHER MATTERS AND DETAIL RELATING TO THE ESTABLISHMENT, OPERATIONS, AND FUNCTIONS THEREOF**

This resolution proposes the creation of a fire and emergency services Special Service District in Dammeron Valley. Deputy Washington County Attorney Eric Clarke said that the Commissioners attended a public hearing in Dammeron Valley, along with many property owners in that area, and support for this special service district was almost unanimous. In the past, the Dammeron Valley area had a private fire department through its homeowners association.

Commissioner Gardner added that one letter of protest had been received and was later rescinded.

**MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2013-1701, A Resolution Of The Board Of County Commissioners Of Washington County, Utah, Creating And Establishing A Special Service District Within Washington County; Describing The Boundaries Thereof, Naming The Said District, Authorizing And Specifying The Services To Be Provided, Setting Forth The Powers, Duties, And Authority, Designating The Governing Authority, Providing For The Method Or Methods Of Payment For The Services To Be Furnished, And Prescribing Other Matters And Detail Relating To The Establishment, Operations, And Functions Thereof. Motion Seconded By Commissioner Gardner And Carried By Unanimous Vote, With Commissioners Eardley, Gardner, And Drake Voting Aye.**

**CONSIDERATION OF RESOLUTION NO. R-2013-1696, A RESOLUTION AUTHORIZING WASHINGTON COUNTY TO SEEK AND OBTAIN A BLM LAND PATENT ON LAND CURRENTLY OCCUPIED BY THE SOUTHERN UTAH SHOOTING SPORTS PARK SPECIAL SERVICE DISTRICT**

Commissioner Drake said that the Southern Utah Shooting Sports Park Special Service District (SUSSPSSD) has been trying to obtain approval from the Bureau of Land Management (BLM) to transfer an area of land to its ownership.

**MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2013-1696, A Resolution Authorizing Washington County To Seek And Obtain A BLM Land Patent On Land Currently Occupied By The Southern Utah Shooting Sports Park Special Service District. Motion Seconded By Commissioner Gardner And Carried By Unanimous Vote, With Commissioners Eardley, Gardner, And Drake Voting Aye.**

**CONSIDERATION OF RESOLUTION NO. R-2013-1697, A RESOLUTION APPROVING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING CONCERNING COORDINATION IN MATTERS**

**RELATING TO THE OPERATION AND MANAGEMENT OF SNOW CANYON STATE PARK**

This resolution reflects a desire by local communities to become more involved in the operation of the Snow Canyon State Park (the Park). Patronage of the Park by local citizens has dropped, and, with the adoption of this resolution, two boards will be created (advisory and oversight), comprised of local officials, in order to encourage greater user-ship by community members.

Wayne Monroe, Southwest Region Manager, Utah State Parks, said that the oversight board will include several mayors as well as a representative from the County Commission.

**MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2013-1697, A Resolution Approving The Execution Of A Memorandum Of Understanding Concerning Coordination In Matters Relating To The Operation And Management Of Snow Canyon State Park. Motion Seconded By Commissioner Gardner And Carried By Unanimous Vote, With Commissioners Eardley, Gardner, And Drake Voting Aye.**

**CONSIDERATION OF RESOLUTION NO. R-2013-1698, A RESOLUTION APPROVING A SETTLEMENT AGREEMENT AND RELEASE BETWEEN DEFENDANT TONI J. KLEINMAN AND WASHINGTON COUNTY, THE UTAH DEPARTMENT OF NATURAL RESOURCES, AND THE FEDERAL BUREAU OF LAND MANAGEMENT FOR RESTITUTION OWED BY THE DEFENDANT FOR FIRE SUPPRESSION COSTS**

Mr. Clarke said that an individual who causes a fire can currently be held liable for costs associated with the suppression of that fire. In this instance, a member of the community accidentally started a fire, acknowledged her responsibility, and has made restitution for those costs.

**MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2013-1698, A Resolution Approving A Settlement Agreement And Release Between Defendant Toni J. Kleinman And Washington County, The Utah Department Of Natural Resources, And The Federal Bureau Of Land Management For Restitution Owed By The Defendant For Fire Suppression Costs. Motion Seconded By Commissioner Drake And Carried By Unanimous Vote, With Commissioners Eardley, Gardner, And Drake Voting Aye.**

**CONSIDERATION OF RESOLUTION NO. R-2013-1699, A RESOLUTION APPROVING THE EXECUTION OF A LEASE EXTENSION AGREEMENT**

**BETWEEN THE U.S.A. AND WASHINGTON COUNTY FOR THE  
WASHINGTON COUNTY COURTHOUSE PLAZA**

Administrator Dean Cox explained that the County has been working with the agency that executes all of the leases on behalf of the United States Government. This particular lease extension agreement is for the Bureau of Indian Affairs (BIA) which occupies office space in the former Courthouse Plaza building. This is a two (2) year extension of an existing lease. The BIA has been a model tenant, and Mr. Cox recommends approving the lease extension agreement.

**MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2013-1699, A Resolution Approving The Execution Of A Lease Extension Agreement Between The U.S.A. And Washington County For The Washington County Courthouse Plaza. Motion Seconded By Commissioner Drake And Carried By Unanimous Vote, With Commissioners Eardley, Gardner, And Drake Voting Aye.**

**CONSIDERATION OF RESOLUTION NO. R-2013-1700, A RESOLUTION  
EXPRESSING GRATITUDE TOWARDS THE LATE JOYCE SARITI AND  
APPROVING FILING A FIXED ANNUITY CLAIM FORM**

This is the second (2<sup>nd</sup>) annuity that has been donated to the Washington County Library System by Ms. Sariti. The Commission expressed its gratitude for her generosity.

**MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2013-1700, A Resolution Expressing Gratitude Towards The Late Joyce Sariti And Approving Filing A Fixed Annuity Claim Form. Motion Seconded By Commissioner Drake And Carried By Unanimous Vote, With Commissioners Eardley, Gardner, And Drake Voting Aye.**

**CONSIDERATION OF RESOLUTION NO. R-2013-1702. A RESOLUTION  
APPROVING THE EXECUTION OF A CHALLENGE COST SHARE  
AGREEMENT BETWEEN THE USDA FOREST SERVICE AND WASHINGTON  
COUNTY FOR A FOOTBRIDGE AT PINE VALLEY RESERVOIR**

Chairman Eardley said that the proposed footbridge will be a valuable addition to the Pine Valley Reservoir area. Previously, it has been hazardous to navigate the access onto that spillway. The Boy Scouts of America will participate in this project, which will be of benefit to all visitors to Pine Valley and help the Boy Scouts achieve an Eagle Scout Badge. The money for this project is coming from the Secure Rural Schools, so the federal government is assisting with the cost.

**MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2013-1702, A Resolution Approving The Execution Of A Challenge Cost Share Agreement Between The USDA Forest Service And Washington County For A Footbridge At Pine Valley Reservoir. Motion Seconded By Commissioner Gardner And Carried By Unanimous Vote, With Commissioners Eardley, Gardner, And Drake Voting Aye.**

**CONSIDERATION OF RESOLUTION NO. R-2013-1703, A RESOLUTION APPOINTING WASHINGTON COUNTY CONSTABLES**

The County recently created the Constable Nominating Commission, consisting of the Sheriff, the County Attorney, a Justice Court Judge, a Commissioner, and a citizen-at-large. The Commission screened several candidates and interviewed three (3). The County has requirements for serving as a Constable, and each candidate has received a copy of that document. The Commission recommended the approval of Kenton Kelley and Andre Brazzle, provided they comply with the documentation requirements previously described and as contained in the County Ordinance on Constables within six (6) weeks of the date of appointment.

The two (2) prospective constable appointees, Kenton Kelley and Andre Brazzle, were in attendance and acknowledged the conditions under which they are provisionally appointed.

**MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2013-1703, A Resolution Appointing Kenton Kelley and Andre Brazzle as Washington County Constables, under the Condition that they Comply With the Requirements As Described to Them In Their Interviews Within Six (6) Weeks of the Date of Appointment. Motion Seconded By Commissioner Drake And Carried By Unanimous Vote, With Commissioners Eardley, Gardner, And Drake Voting Aye.**

**COMMISSIONERS' REPORT**

No report was presented today.

**PUBLIC WORKS OR ROAD BUSINESS**

Public Works Director Ron Whitehead updated the Commission on road projects in the County. The Highway 91/Shivwits project is complete, and bids will be open on Thursday, February 7, for the continuation of the Highway 91 project farther down the highway towards Castle Cliff. The lowest qualified bidder will be presented for Commission approval at the next Commission meeting on February 19, 2013.

**COUNTY DEVELOPMENT AND PLANNING BUSINESS**

Mr. Cox said that the UPS system recently approved by the Commission for the computer services has been received. It is extremely heavy and will require installation of supports for the floor in the server room. It will be on line and operable at the earliest possible opportunity.

**Request A Closed Session**

None.

There being nothing further to come before the Commission, the meeting was adjourned at 4:37 p.m.

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CHRISTINE S. HALL  
DEPUTY CLERK

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JAMES J. EARDLEY  
CHAIRMAN